



House of Representatives

General Assembly

File No. 542

February Session, 2012

Substitute House Bill No. 5388

House of Representatives, April 19, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT FEES AND THE DELIVERY OF LEGAL SERVICES TO THE POOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-5b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) The Chief Court Administrator [is authorized to] shall establish
4 and administer a fund to be known as the Judicial Data Processing
5 Revolving Fund which shall be used for the purpose of maintaining
6 and improving any informational data processing system operated by
7 the Judicial Department. The Chief Court Administrator is authorized
8 to expend funds necessary for all reasonable direct expenses relating to
9 the administration and operation of said fund. As used in this section,
10 "data processing system" means the combined motor vehicle, criminal
11 and civil informational systems on pending and disposed cases.

12 (b) Any person or public agency seeking [on line or dial up] on-line
13 access to any data processing system operated and administered by the

14 Office of the Chief Court Administrator, or seeking information stored
15 in such data processing system in a format other than as provided by
16 the Office of the Chief Court Administrator, may be required to pay to
17 the Office of the Chief Court Administrator an amount, as established
18 in a fee schedule determined by the Office of the Chief Court
19 Administrator, for deposit by the Office of the Chief Court
20 Administrator in a fund established in subsection (a) of this section.
21 Such fee schedule may include reasonable charges for personal
22 services, fringe benefits, supplies and any other expenses related to
23 maintaining, improving and providing such data processing services
24 including, but not limited to, program modifications, training
25 expenses, central processor user time and the rental and maintenance
26 of equipment.

27 (c) The Judicial Data Processing Revolving Fund shall be held
28 separate and apart from all other moneys, funds and accounts. Any
29 balance remaining in said fund at the end of any fiscal year shall be
30 carried forward in the fund for the next fiscal year, [next succeeding]
31 except that on June 30, 2012, and on each June thirtieth thereafter, if the
32 balance remaining in said fund exceeds five million dollars, the
33 amount in excess of five million dollars shall be transferred to the
34 General Fund.

35 Sec. 2. Section 52-259 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2012*):

37 (a) There shall be paid to the clerks for entering each appeal or writ
38 of error to the Supreme Court, or entering each appeal to the Appellate
39 Court, as the case may be, two hundred fifty dollars, and for each civil
40 cause in the Superior Court, three hundred twenty-five dollars, except
41 (1) [one hundred seventy-five] two hundred dollars for entering each
42 case in the Superior Court in which the sole claim for relief is damages
43 and the amount, legal interest or property in demand is less than two
44 thousand five hundred dollars; [and] (2) one hundred seventy-five
45 dollars for summary process, landlord and tenant and paternity
46 actions; [, and (2)] and (3) there shall be no entry fee for making an

47 application to the Superior Court for relief under section 46b-15 or for
48 making an application to modify or extend an order issued pursuant to
49 section 46b-15. If the amount, legal interest or property in demand by
50 the plaintiff is alleged to be less than two thousand five hundred
51 dollars, a new entry fee of seventy-five dollars shall be charged if the
52 plaintiff amends his or her complaint to state that such demand is not
53 less than two thousand five hundred dollars.

54 (b) The fee for the entry of a small claims case shall be [seventy-five]
55 one hundred dollars. If a motion is filed to transfer a small claims case
56 to the regular docket, the moving party shall pay a fee of one hundred
57 twenty-five dollars.

58 (c) There shall be paid to the clerk of the Superior Court by any
59 party who requests that a matter be designated as a complex litigation
60 case the sum of three hundred twenty-five dollars, to be paid at the
61 time the request is filed.

62 (d) There shall be paid to the clerk of the Superior Court by any
63 party who requests a finding of fact by a judge of such court to be used
64 on appeal the sum of twenty-five dollars, to be paid at the time the
65 request is filed.

66 (e) There shall be paid to the clerk of the Superior Court a fee of
67 seventy-five dollars for a petition for certification to the Supreme
68 Court and Appellate Court.

69 (f) There shall be paid to the clerk of the Superior Court for
70 receiving and filing an assessment of damages by appraisers of land
71 taken for public use or the appointment of a commissioner of the
72 Superior Court, two dollars; for recording the commission and oath of
73 a notary public or certifying under seal to the official character of any
74 magistrate, ten dollars; for issuing a certificate that an attorney is in
75 good standing, ten dollars; for certifying under seal, two dollars; for
76 exemplifying, twenty dollars; for making all necessary records and
77 certificates of naturalization, the fees allowed under the provisions of
78 the United States statutes for such services; and for making copies, one

79 dollar [a] per page.

80 (g) There shall be paid to the clerk of the Superior Court for a copy
81 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
82 certification and copying, for a certified copy and a fee of fifteen
83 dollars, inclusive of the fee for copying, for a copy which is not
84 certified; and for a copy of a certificate of judgment in a foreclosure
85 action, as provided by the rules of practice and procedure, twenty-five
86 dollars, inclusive of the fees for certification and copying.

87 (h) There shall be paid to the clerk of the Superior Court a fee of one
88 hundred seventy-five dollars at the time any application for a
89 prejudgment remedy is filed.

90 (i) There shall be paid to the clerk of the Superior Court a fee of
91 ninety dollars at the time any certificate of closed pleadings is filed.

92 (j) There shall be paid to the clerk of the Superior Court a fee of
93 three hundred dollars at the time any motion to be admitted as
94 attorney pro hac vice is filed.

95 (k) There shall be paid to the clerk of the Superior Court a fee of two
96 hundred dollars at the time any counterclaim, cross complaint,
97 apportionment complaint or third party complaint is filed.

98 [(i)] (l) A fee of twenty dollars for any check issued to the court in
99 payment of any fee which is returned as uncollectible by the bank on
100 which it is drawn may be imposed.

101 [(j)] (m) The tax imposed under chapter 219 shall not be imposed
102 upon any fee charged under the provisions of this section.

103 Sec. 3. Section 52-259c of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective July 1, 2012*):

105 (a) There shall be paid to the clerk of the Superior Court upon the
106 filing of any motion to open, set aside, modify or extend any civil
107 judgment rendered in Superior Court a fee of seventy-five dollars for

108 any housing matter, a fee of seventy-five dollars for any small claims
109 matter, a fee of one hundred seventy-five dollars for any post-
110 judgment motion to modify any judgment in a civil relations matter
111 and a fee of one hundred twenty-five dollars for any other matter,
112 except no fee shall be paid upon the filing of any motion to open, set
113 aside, modify or extend judgments in juvenile matters or orders issued
114 pursuant to section 46b-15 or upon the filing of any motion pursuant to
115 subsection (b) of section 46b-63. Such fee may be waived by the court.

116 (b) Upon the filing of a motion to open or reargue a judgment in any
117 civil appeal rendered by the Supreme Court or Appellate Court or to
118 reconsider any other civil matter decided in either court, the party
119 filing the motion shall pay a fee of one hundred twenty-five dollars.

120 Sec. 4. Subdivision (1) of subsection (a) of section 52-356a of the
121 general statutes is repealed and the following is substituted in lieu
122 thereof (*Effective July 1, 2012*):

123 (a) (1) On application of a judgment creditor or a judgment
124 creditor's attorney, stating that a judgment remains unsatisfied and the
125 amount due thereon, and subject to the expiration of any stay of
126 enforcement and expiration of any right of appeal, the clerk of the
127 court in which the money judgment was rendered shall issue an
128 execution pursuant to this section against the nonexempt personal
129 property of the judgment debtor other than debts due from a banking
130 institution or earnings. The application shall be accompanied by a fee
131 of [seventy-five] one hundred dollars payable to the clerk of the court
132 for the administrative costs of complying with the provisions of this
133 section which fee may be recoverable by the judgment creditor as a
134 taxable cost of the action. In the case of a consumer judgment, the
135 application shall indicate whether, pursuant to an installment payment
136 order under subsection (b) of section 52-356d, the court has entered a
137 stay of execution and, if such a stay was entered, shall contain a
138 statement of the judgment creditor or the judgment creditor's attorney
139 as to the debtor's default on payments. In the case of a judgment
140 arising out of services provided at a hospital, no application shall be

141 made until the court has (A) issued an order for installment payments
142 in accordance with section 52-356d, (B) made a finding that the debtor
143 has defaulted on payments under the order, and (C) lifted the
144 mandatory stay issued under section 52-356d. The court shall make a
145 determination concerning noncompliance or default, and decide
146 whether to modify the installment payment plan, continue the
147 installment payment plan, or lift the stay. The execution shall be
148 directed to any levying officer.

149 Sec. 5. Subsection (a) of section 52-361a of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2012*):

152 (a) If a judgment debtor fails to comply with an installment
153 payment order, the judgment creditor may apply to the court for a
154 wage execution. The application shall contain the judgment creditor's
155 or the judgment creditor's attorney's statement setting forth the
156 particulars of the installment payment order and of the judgment
157 debtor's failure to comply. The application shall be accompanied by a
158 fee of [seventy-five] one hundred dollars payable to the clerk of the
159 court for the administrative costs of complying with the provisions of
160 this section which fee may be recoverable by the judgment creditor as
161 a taxable cost of the action.

162 Sec. 6. Subsection (b) of section 52-367a of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective July*
164 *1, 2012*):

165 (b) Execution may be granted pursuant to this section against any
166 debts due from any financial institution to a judgment debtor which is
167 not a natural person. If execution is desired against any such debt, the
168 plaintiff requesting the execution shall make application to the clerk of
169 the court. The application shall be accompanied by a fee of [seventy-
170 five] one hundred dollars payable to the clerk of the court for the
171 administrative costs of complying with the provisions of this section
172 which fee may be recoverable by the judgment creditor as a taxable
173 cost of the action. The clerk shall issue such execution containing a

174 direction that the officer serving such execution shall make demand (1)
175 upon the main office of any financial institution having its main office
176 within the county of the serving officer, or (2) if such main office is not
177 within the serving officer's county and such financial institution has
178 one or more branch offices within such county, upon an employee of
179 such a branch office, such employee and branch office having been
180 designated by the financial institution in accordance with regulations
181 adopted by the Banking Commissioner, in accordance with chapter 54,
182 for the payment of any debt due to the judgment debtor, and, after
183 having made such demand, shall serve a true and attested copy
184 thereof, with the serving officer's actions thereon endorsed, with the
185 financial institution officer upon whom such demand is made. The
186 serving officer shall not serve more than one financial institution
187 execution per judgment debtor at a time, including copies thereof.
188 After service of an execution on one financial institution, the serving
189 officer shall not serve the same execution or a copy thereof upon
190 another financial institution until receiving confirmation from the
191 preceding financial institution that the judgment debtor had
192 insufficient funds at the preceding financial institution available for
193 collection to satisfy the execution. If the serving officer does not receive
194 within twenty-five days of the service of the demand a response from
195 the financial institution that was served indicating whether or not the
196 taxpayer has funds at the financial institution available for collection,
197 the serving officer may assume that sufficient funds are not available
198 for collection and may proceed to serve another financial institution in
199 accordance with this subsection.

200 Sec. 7. Subsection (b) of section 52-367b of the general statutes is
201 repealed and the following is substituted in lieu thereof (*Effective July*
202 *1, 2012*):

203 (b) If execution is desired against any such debt, the plaintiff
204 requesting the execution shall make application to the clerk of the
205 court. The application shall be accompanied by a fee of [seventy-five]
206 one hundred dollars payable to the clerk of the court for the
207 administrative costs of complying with the provisions of this section

208 which fee may be recoverable by the judgment creditor as a taxable
209 cost of the action. In a IV-D case, the request for execution shall be
210 accompanied by an affidavit signed by the serving officer attesting to
211 an overdue support amount of five hundred dollars or more which
212 accrued after the entry of an initial family support judgment. If the
213 papers are in order, the clerk shall issue such execution containing a
214 direction that the officer serving such execution shall, within seven
215 days from the receipt by the serving officer of such execution, make
216 demand (1) upon the main office of any financial institution having its
217 main office within the county of the serving officer, or (2) if such main
218 office is not within the serving officer's county and such financial
219 institution has one or more branch offices within such county, upon an
220 employee of such a branch office, such employee and branch office
221 having been designated by the financial institution in accordance with
222 regulations adopted by the Banking Commissioner, in accordance with
223 chapter 54, for payment of any such nonexempt debt due to the
224 judgment debtor and, after having made such demand, shall serve a
225 true and attested copy of the execution, together with the affidavit and
226 exemption claim form prescribed by subsection (k) of this section, with
227 the serving officer's actions endorsed thereon, with the financial
228 institution officer upon whom such demand is made. The serving
229 officer shall not serve more than one financial institution execution per
230 judgment debtor at a time, including copies thereof. After service of an
231 execution on one financial institution, the serving officer shall not
232 serve the same execution or a copy thereof upon another financial
233 institution until receiving confirmation from the preceding financial
234 institution that the judgment debtor had insufficient funds at the
235 preceding financial institution available for collection to satisfy the
236 execution, provided any such additional service is made not later than
237 forty-five days from the receipt by the serving officer of such
238 execution.

239 Sec. 8. Section 51-5d of the general statutes is repealed and the
240 following is substituted in lieu thereof (*Effective July 1, 2012*):

241 (a) The Chief Court Administrator, or a designee, on or before the

242 last day of January, April, July and October in each year, shall certify
243 the amount of revenue received as a result of any fee increase that
244 takes effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and
245 52-361a, and transfer such amount to the organization administering
246 the program for the use of interest earned on lawyers' clients' funds
247 accounts pursuant to section 51-81c, for the purpose of funding the
248 delivery of legal services to the poor.

249 (b) The Chief Court Administrator, or a designee, on or before the
250 last day of January, April, July and October in each year, shall (1)
251 certify the amount of revenue received as a result of any fee increase
252 that takes effect July 1, 2012, set forth in (A) section 52-259, as amended
253 by section 2 of this act, (B) section 52-259c, as amended by section 3 of
254 this act, (C) subdivision (1) of subsection (a) of section 52-356a, as
255 amended by section 4 of this act, (D) subsection (a) of section 52-361a,
256 as amended by section 5 of this act, (E) subsection (b) of section 52-
257 367a, as amended by section 6 of this act, and (F) subsection (b) of
258 section 52-367b, as amended by section 7 of this act, and (2) transfer
259 (A) sixty per cent of such amount to the organization administering the
260 program for the use of interest earned on lawyers' clients' funds
261 accounts pursuant to section 51-81c, for the purpose of funding the
262 delivery of legal services to the poor, and (B) forty per cent of such
263 amount to the Judicial Data Processing Revolving Fund established in
264 section 51-5b, as amended by this act, for the purpose of maintaining
265 and improving any informational data processing system operated by
266 the Judicial Department, subject to the transfer requirements of
267 subsection (c) of section 51-5b, as amended by this act.

268 Sec. 9. Section 52-259 of the general statutes, as amended by section
269 2 of this act, is repealed and the following is substituted in lieu thereof
270 (*Effective July 1, 2015*):

271 (a) There shall be paid to the clerks for entering each appeal or writ
272 of error to the Supreme Court, or entering each appeal to the Appellate
273 Court, as the case may be, two hundred fifty dollars, and for each civil
274 cause in the Superior Court, three hundred [twenty-five] dollars,

275 except (1) [two hundred] one hundred seventy-five dollars for entering
276 each case in the Superior Court in which the sole claim for relief is
277 damages and the amount, legal interest or property in demand is less
278 than two thousand five hundred dollars [; (2) one hundred seventy-
279 five dollars] and for summary process, landlord and tenant and
280 paternity actions, [; and (3)] and (2) there shall be no entry fee for
281 making an application to the Superior Court for relief under section
282 46b-15 or for making an application to modify or extend an order
283 issued pursuant to section 46b-15. If the amount, legal interest or
284 property in demand by the plaintiff is alleged to be less than two
285 thousand five hundred dollars, a new entry fee of seventy-five dollars
286 shall be charged if the plaintiff amends his or her complaint to state
287 that such demand is not less than two thousand five hundred dollars.

288 (b) The fee for the entry of a small claims case shall be [one
289 hundred] seventy-five dollars. If a motion is filed to transfer a small
290 claims case to the regular docket, the moving party shall pay a fee of
291 one hundred twenty-five dollars.

292 (c) There shall be paid to the clerk of the Superior Court by any
293 party who requests that a matter be designated as a complex litigation
294 case the sum of three hundred twenty-five dollars, to be paid at the
295 time the request is filed.

296 (d) There shall be paid to the clerk of the Superior Court by any
297 party who requests a finding of fact by a judge of such court to be used
298 on appeal the sum of twenty-five dollars, to be paid at the time the
299 request is filed.

300 (e) There shall be paid to the clerk of the Superior Court a fee of
301 seventy-five dollars for a petition for certification to the Supreme
302 Court and Appellate Court.

303 (f) There shall be paid to the clerk of the Superior Court for
304 receiving and filing an assessment of damages by appraisers of land
305 taken for public use or the appointment of a commissioner of the
306 Superior Court, two dollars; for recording the commission and oath of

307 a notary public or certifying under seal to the official character of any
308 magistrate, ten dollars; for issuing a certificate that an attorney is in
309 good standing, ten dollars; for certifying under seal, two dollars; for
310 exemplifying, twenty dollars; for making all necessary records and
311 certificates of naturalization, the fees allowed under the provisions of
312 the United States statutes for such services; and for making copies, one
313 dollar per page.

314 (g) There shall be paid to the clerk of the Superior Court for a copy
315 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
316 certification and copying, for a certified copy and a fee of fifteen
317 dollars, inclusive of the fee for copying, for a copy which is not
318 certified; and for a copy of a certificate of judgment in a foreclosure
319 action, as provided by the rules of practice and procedure, twenty-five
320 dollars, inclusive of the fees for certification and copying.

321 (h) There shall be paid to the clerk of the Superior Court a fee of one
322 hundred seventy-five dollars at the time any application for a
323 prejudgment remedy is filed.

324 [(i) There shall be paid to the clerk of the Superior Court a fee of
325 ninety dollars at the time any certificate of closed pleadings is filed.

326 (j) There shall be paid to the clerk of the Superior Court a fee of
327 three hundred dollars at the time any motion to be admitted as
328 attorney pro hac vice is filed.

329 (k) There shall be paid to the clerk of the Superior Court a fee of two
330 hundred dollars at the time any counterclaim, cross complaint,
331 apportionment complaint or third party complaint is filed.]

332 [(l)] (i) A fee of twenty dollars for any check issued to the court in
333 payment of any fee which is returned as uncollectible by the bank on
334 which it is drawn may be imposed.

335 [(m)] (j) The tax imposed under chapter 219 shall not be imposed
336 upon any fee charged under the provisions of this section.

337 Sec. 10. Section 52-259c of the general statutes, as amended by
338 section 3 of this act, is repealed and the following is substituted in lieu
339 thereof (*Effective July 1, 2015*):

340 (a) There shall be paid to the clerk of the Superior Court upon the
341 filing of any motion to open, set aside, modify or extend any civil
342 judgment rendered in Superior Court a fee of seventy-five dollars for
343 any housing matter, a fee of seventy-five dollars for any small claims
344 matter [, a fee of one hundred seventy-five dollars for any post-
345 judgment motion to modify any judgment in a civil relations matter]
346 and a fee of one hundred twenty-five dollars for any other matter,
347 except no fee shall be paid upon the filing of any motion to open, set
348 aside, modify or extend judgments in juvenile matters or orders issued
349 pursuant to section 46b-15 or upon the filing of any motion pursuant to
350 subsection (b) of section 46b-63. Such fee may be waived by the court.

351 (b) Upon the filing of a motion to open or reargue a judgment in any
352 civil appeal rendered by the Supreme Court or Appellate Court or to
353 reconsider any other civil matter decided in either court, the party
354 filing the motion shall pay a fee of one hundred twenty-five dollars.

355 Sec. 11. Subdivision (1) of subsection (a) of section 52-356a of the
356 general statutes, as amended by section 4 of this act, is repealed and
357 the following is substituted in lieu thereof (*Effective July 1, 2015*):

358 (a) (1) On application of a judgment creditor or a judgment
359 creditor's attorney, stating that a judgment remains unsatisfied and the
360 amount due thereon, and subject to the expiration of any stay of
361 enforcement and expiration of any right of appeal, the clerk of the
362 court in which the money judgment was rendered shall issue an
363 execution pursuant to this section against the nonexempt personal
364 property of the judgment debtor other than debts due from a banking
365 institution or earnings. The application shall be accompanied by a fee
366 of [one hundred] seventy-five dollars payable to the clerk of the court
367 for the administrative costs of complying with the provisions of this
368 section which fee may be recoverable by the judgment creditor as a
369 taxable cost of the action. In the case of a consumer judgment, the

370 application shall indicate whether, pursuant to an installment payment
371 order under subsection (b) of section 52-356d, the court has entered a
372 stay of execution and, if such a stay was entered, shall contain a
373 statement of the judgment creditor or the judgment creditor's attorney
374 as to the debtor's default on payments. In the case of a judgment
375 arising out of services provided at a hospital, no application shall be
376 made until the court has (A) issued an order for installment payments
377 in accordance with section 52-356d, (B) made a finding that the debtor
378 has defaulted on payments under the order, and (C) lifted the
379 mandatory stay issued under section 52-356d. The court shall make a
380 determination concerning noncompliance or default, and decide
381 whether to modify the installment payment plan, continue the
382 installment payment plan, or lift the stay. The execution shall be
383 directed to any levying officer.

384 Sec. 12. Subsection (a) of section 52-361a of the general statutes, as
385 amended by section 5 of this act, is repealed and the following is
386 substituted in lieu thereof (*Effective July 1, 2015*):

387 (a) If a judgment debtor fails to comply with an installment
388 payment order, the judgment creditor may apply to the court for a
389 wage execution. The application shall contain the judgment creditor's
390 or the judgment creditor's attorney's statement setting forth the
391 particulars of the installment payment order and of the judgment
392 debtor's failure to comply. The application shall be accompanied by a
393 fee of [one hundred] seventy-five dollars payable to the clerk of the
394 court for the administrative costs of complying with the provisions of
395 this section which fee may be recoverable by the judgment creditor as
396 a taxable cost of the action.

397 Sec. 13. Subsection (b) of section 52-367a of the general statutes, as
398 amended by section 6 of this act, is repealed and the following is
399 substituted in lieu thereof (*Effective July 1, 2015*):

400 (b) Execution may be granted pursuant to this section against any
401 debts due from any financial institution to a judgment debtor which is
402 not a natural person. If execution is desired against any such debt, the

403 plaintiff requesting the execution shall make application to the clerk of
404 the court. The application shall be accompanied by a fee of [one
405 hundred] seventy-five dollars payable to the clerk of the court for the
406 administrative costs of complying with the provisions of this section
407 which fee may be recoverable by the judgment creditor as a taxable
408 cost of the action. The clerk shall issue such execution containing a
409 direction that the officer serving such execution shall make demand (1)
410 upon the main office of any financial institution having its main office
411 within the county of the serving officer, or (2) if such main office is not
412 within the serving officer's county and such financial institution has
413 one or more branch offices within such county, upon an employee of
414 such a branch office, such employee and branch office having been
415 designated by the financial institution in accordance with regulations
416 adopted by the Banking Commissioner, in accordance with chapter 54,
417 for the payment of any debt due to the judgment debtor, and, after
418 having made such demand, shall serve a true and attested copy
419 thereof, with the serving officer's actions thereon endorsed, with the
420 financial institution officer upon whom such demand is made. The
421 serving officer shall not serve more than one financial institution
422 execution per judgment debtor at a time, including copies thereof.
423 After service of an execution on one financial institution, the serving
424 officer shall not serve the same execution or a copy thereof upon
425 another financial institution until receiving confirmation from the
426 preceding financial institution that the judgment debtor had
427 insufficient funds at the preceding financial institution available for
428 collection to satisfy the execution. If the serving officer does not receive
429 within twenty-five days of the service of the demand a response from
430 the financial institution that was served indicating whether or not the
431 taxpayer has funds at the financial institution available for collection,
432 the serving officer may assume that sufficient funds are not available
433 for collection and may proceed to serve another financial institution in
434 accordance with this subsection.

435 Sec. 14. Subsection (b) of section 52-367b of the general statutes, as
436 amended by section 7 of this act, is repealed and the following is
437 substituted in lieu thereof (*Effective July 1, 2015*):

438 (b) If execution is desired against any such debt, the plaintiff
439 requesting the execution shall make application to the clerk of the
440 court. The application shall be accompanied by a fee of [one hundred]
441 seventy-five dollars payable to the clerk of the court for the
442 administrative costs of complying with the provisions of this section
443 which fee may be recoverable by the judgment creditor as a taxable
444 cost of the action. In a IV-D case, the request for execution shall be
445 accompanied by an affidavit signed by the serving officer attesting to
446 an overdue support amount of five hundred dollars or more which
447 accrued after the entry of an initial family support judgment. If the
448 papers are in order, the clerk shall issue such execution containing a
449 direction that the officer serving such execution shall, within seven
450 days from the receipt by the serving officer of such execution, make
451 demand (1) upon the main office of any financial institution having its
452 main office within the county of the serving officer, or (2) if such main
453 office is not within the serving officer's county and such financial
454 institution has one or more branch offices within such county, upon an
455 employee of such a branch office, such employee and branch office
456 having been designated by the financial institution in accordance with
457 regulations adopted by the Banking Commissioner, in accordance with
458 chapter 54, for payment of any such nonexempt debt due to the
459 judgment debtor and, after having made such demand, shall serve a
460 true and attested copy of the execution, together with the affidavit and
461 exemption claim form prescribed by subsection (k) of this section, with
462 the serving officer's actions endorsed thereon, with the financial
463 institution officer upon whom such demand is made. The serving
464 officer shall not serve more than one financial institution execution per
465 judgment debtor at a time, including copies thereof. After service of an
466 execution on one financial institution, the serving officer shall not
467 serve the same execution or a copy thereof upon another financial
468 institution until receiving confirmation from the preceding financial
469 institution that the judgment debtor had insufficient funds at the
470 preceding financial institution available for collection to satisfy the
471 execution, provided any such additional service is made not later than
472 forty-five days from the receipt by the serving officer of such

473 execution.

474 Sec. 15. Section 51-5d of the general statutes, as amended by section
475 8 of this act, is repealed and the following is substituted in lieu thereof
476 (*Effective August 1, 2015*):

477 [(a)] The Chief Court Administrator, or a designee, on or before the
478 last day of January, April, July and October in each year, shall certify
479 the amount of revenue received as a result of any fee increase that
480 takes effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and
481 52-361a, and transfer such amount to the organization administering
482 the program for the use of interest earned on lawyers' clients' funds
483 accounts pursuant to section 51-81c, for the purpose of funding the
484 delivery of legal services to the poor.

485 [(b)] The Chief Court Administrator, or a designee, on or before the
486 last day of January, April, July and October in each year, shall (1)
487 certify the amount of revenue received as a result of any fee increase
488 that takes effect July 1, 2012, set forth in (A) section 52-259, as amended
489 by section 2 of this act, (B) section 52-259c, as amended by section 3 of
490 this act, (C) subdivision (1) of subsection (a) of section 52-356a, as
491 amended by section 4 of this act, (D) subsection (a) of section 52-361a,
492 as amended by section 5 of this act, (E) subsection (b) of section 52-
493 367a, as amended by section 6 of this act, and (F) subsection (b) of
494 section 52-367b, as amended by section 7 of this act, and (2) transfer
495 (A) sixty per cent of such amount to the organization administering the
496 program for the use of interest earned on lawyers' clients' funds
497 accounts pursuant to section 51-81c, for the purpose of funding the
498 delivery of legal services to the poor, and (B) forty per cent of such
499 amount to the Judicial Data Processing Revolving Fund established in
500 section 51-5b, as amended by this act, for the purpose of maintaining
501 and improving any informational data processing system operated by
502 the Judicial Department, subject to the transfer requirements of
503 subsection (c) of section 51-5b, as amended by this act.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	51-5b
Sec. 2	<i>July 1, 2012</i>	52-259
Sec. 3	<i>July 1, 2012</i>	52-259c
Sec. 4	<i>July 1, 2012</i>	52-356a(a)(1)
Sec. 5	<i>July 1, 2012</i>	52-361a(a)
Sec. 6	<i>July 1, 2012</i>	52-367a(b)
Sec. 7	<i>July 1, 2012</i>	52-367b(b)
Sec. 8	<i>July 1, 2012</i>	51-5d
Sec. 9	<i>July 1, 2015</i>	52-259
Sec. 10	<i>July 1, 2015</i>	52-259c
Sec. 11	<i>July 1, 2015</i>	52-356a(a)(1)
Sec. 12	<i>July 1, 2015</i>	52-361a(a)
Sec. 13	<i>July 1, 2015</i>	52-367a(b)
Sec. 14	<i>July 1, 2015</i>	52-367b(b)
Sec. 15	<i>August 1, 2015</i>	51-5d

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	Judicial Data Processing Revolving Fund (non-appropriated account) - Revenue Gain	Approximately \$3.5 million	Approximately \$3.5 million

Municipal Impact: None

Explanation

The bill results in a revenue gain of approximately \$3.5 million to the Judicial Data Processing Fund, a non-appropriated account, by increasing certain court fees.

The fee increases are anticipated to result in additional revenue of approximately \$8.7 million. The bill requires that 40% (approximately \$3.5 million) go to the Judicial Data Processing Revolving Fund and 60% (approximately \$5.2 million) be transferred to the interest on lawyers' trust account (IOLTA).¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future until FY 16, at which time the fees will revert back to the previous amounts.

Sources: Judicial Department

¹ IOLTA is a program codified in CGS 51-81c as the vehicle for the Connecticut Bar Foundation to administer funding for legal services for the poor.

OLR Bill Analysis**sHB 5388*****AN ACT CONCERNING COURT FEES AND THE DELIVERY OF
LEGAL SERVICES TO THE POOR.*****SUMMARY:**

This bill increases certain court filing fees and establishes new fees (e.g., a fee for filing a certificate of closed pleadings). The fee increases take effect July 1, 2012, but sunset after three years.

The bill requires the chief court administrator or her designee, by the last day of January, April, July, and October each year (starting in July 2012 and ending in July 2015), to:

1. certify the amount of revenue received as a result of the bill's fee increases and new fees,
2. transfer 60% of that amount to the organization administering the interest on lawyers' trust accounts (IOLTA) program to fund legal services for the poor, and
3. transfer 40% of the amount to the Judicial Data Processing Revolving Fund to maintain and improve the Judicial Department's informational processing system.

The bill requires, rather than authorizes, the chief court administrator to establish and administer the Judicial Data Processing Revolving Fund. Under current law, any money remaining in the fund at the end of a fiscal year is carried forward to the next fiscal year. The bill instead provides that, at the end of each fiscal year starting with FY 12, any excess over \$5 million must be transferred to the General Fund. (Presumably, the amount of any excess for FY 12 is determined after July 1, 2012, which is the effective date of this provision.)

EFFECTIVE DATE: July 1, 2012, except the provisions reversing the fee increases are effective July 1, 2015, and the provision reversing the certification and transfer of the fee increases is effective August 1, 2015.

INCREASED COURT FEES

The bill increases the fees for filing certain court actions and motions and establishes certain new fees, as shown in Table 1.

Table 1: Fee Increases

Bill §§	Action or Motion	Current Law	The Bill (July 1, 2012 through June 30, 2015)
2, 9	Filing civil cases generally (there are different fees for certain types of cases)	\$300	\$325
2, 9	Filing case in which the sole claim for relief is damages and the amount, legal interest, or property in demand is less than \$2,500	175	200
2, 9	Filing small claims case	75	100
2, 9	Filing certificate of closed pleadings	--	90
2, 9	Motion for admittance as attorney pro hac vice	--	300
2, 9	Filing counterclaim, cross complaint, apportionment complaint, or third party complaint	--	200
3, 10	Motion to modify judgment in a civil relations matter	125	175
4-7, 11-14	Application from judgment creditor for enforcement of an unsatisfied judgment, including debts due from financial institutions or other sources, and wage executions against a judgment debtor who fails to comply with an installment payment order	75	100

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 1 (04/02/2012)